

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

Date/Time/Location of Incident:	March 13, 2017 / 10:30 p.m. – 11:30 p.m. / [REDACTED] [REDACTED]
Date/Time of COPA Notification:	March 14, 2017 / 6:43 p.m.
Involved Officer #1:	[REDACTED]; star # [REDACTED]; employee ID# [REDACTED]; Date of Appointment: [REDACTED], 2002; Police Officer; Date of Birth: [REDACTED], 1970; Male; White.
Involved Officer #2:	[REDACTED]; star # [REDACTED]; employee ID# [REDACTED]; [REDACTED]; Date of Appointment: [REDACTED], 1999; Sergeant; Date of Birth: [REDACTED], 1971; Male; White. <sup>2</sup>
Involved Officer #3:	[REDACTED]; star # [REDACTED]; employee ID# [REDACTED]; Date of Appointment: [REDACTED], 1996; Sergeant; Date of Birth: [REDACTED], 1973; Male; Hispanic.
Involved Individual #1:	[REDACTED]; [REDACTED], 1978; Male; Black.
Case Type:	Unjustified parking citation; profanity.

## I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. Stated to [REDACTED], “Fuck you, you black motherfucker.”	Not Sustained
Sergeant [REDACTED]	1. Issued a citation to [REDACTED] without justification.	Not Sustained
Sergeant [REDACTED]	1. Stated to [REDACTED], “Fuck you, black motherfucker.”	Not Sustained

II. SUMMARY OF EVIDENCE<sup>3</sup>

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>2</sup> Officer [REDACTED] was promoted to Sergeant effective February 25, 2019. Henceforth, he will be addressed as “Sergeant.”

<sup>3</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly

According to [REDACTED], his girlfriend, [REDACTED], parked her vehicle while he parked his own vehicle in a driveway before getting into the driver's seat of [REDACTED] vehicle. A police vehicle passed them, made a U-turn, and stayed behind [REDACTED] vehicle for several minutes. [REDACTED] remained parked because he was afraid of what the officers would do. The officers eventually placed a parking citation for double parking on [REDACTED] vehicle. According to [REDACTED], Officer [REDACTED] said, "Fuck you, you black motherfucker," to him while placing the citation on the vehicle. [REDACTED] made several calls to 911 to request a supervisor, complaining of being harassed by the officers. When Sergeant [REDACTED] responded, he allegedly told [REDACTED] that he had viewed the in-car camera recording of the officers' vehicle and agreed that the vehicle had been double parked. [REDACTED] told Sergeant [REDACTED], "You're full of shit," and the sergeant responded by stating, "Fuck you, black motherfucker." The incident was not captured on any video recording and the witness [REDACTED] did not cooperate in this investigation. The involved CPD members related that they did not recall the incident but denied the alleged actions. Officer [REDACTED], who wrote the ticket, noted that he would have only written it if he observed a violation.

### III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

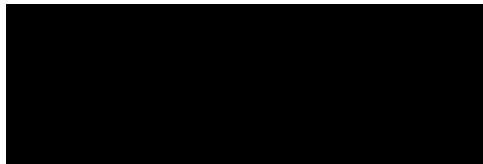
**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

**IV. ANALYSIS AND CONCLUSION**

█████ alleged that he and █████ were not double-parked at the time the officers issued the citation. Officer █████ denied the allegation against him but did not remember the incident. Due to the lack of specificity in █████ statement, his and █████ failure to further cooperate in this investigation, and the lack of video or other evidence, there is insufficient evidence to prove or disprove the allegation that Officer █████ issued a false citation.

█████ also alleged that Officer █████ and Sergeant █████ separately verbally abused him using nearly identical profanity and racially-biased language. None of the involved members remembered this incident but denied that they would use such language. There are no recordings of this interaction which could help determine what happened. Therefore, there is insufficient evidence to prove or disprove these allegations.

Approved:

A large black rectangular redaction box covering a signature.

March 17, 2019

---

Date

*█████*  
Deputy Chief Administrator – Chief Investigator

**Appendix A**

Assigned Investigative Staff

---

<b>Squad#:</b>	[REDACTED]
<b>Investigator:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED]